

REMARKS

These remarks are responsive to the Office Action of October 21, 2003. Claims 1-15 and 20-29 are pending. Claims 23 and 28 have been amended as suggested in the Office Action. New claim 29 has been added. Applicant submits a terminal disclaimer. Applicants request allowance of the application. No new matter has been added.

The Office Action rejected claims 1-15 and 20-28 under the judicially created doctrine of obviousness type double patenting. Applicant submits herewith a terminal disclaimer to obviate the double patenting rejection over U.S. Patent No. 6,302,853 to Sak. Hence, applicant believes the rejection has been overcome and respectfully request withdrawal of the rejection.

Applicant respectfully submits claim 29 for examination. It respectfully submitted that claim 29 is allowable in that the art of record fails to disclose a cervical sampling apparatus, comprising: a cervical sampler for being slidably and rotatably disposed in a vaginal insertion tube, the cervical sampler comprising a sample collecting member for obtaining a cervical sample when positioned within a vaginal cavity of a human, a forward end of the cervical sampler including a holder with hemispherical projections for mating with the sample collecting member and a rear end for grasping by an operator. Applicant notes that the terminal disclaimer overcomes any potential double patenting concerns of the Office.

For all of the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact applicants' undersigned representative at the below-listed number. The Commissioner is authorized to charge additional fees for additional independent claims and dependent claims to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Serial No.: 09/960,648

Atty. Docket No.: 004122.00006

Respectfully submitted,

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